

Message Text

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PAGE 01 STATE 093898
ORIGIN EB-08

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FM SECSTATE WASHDC
TO AMEMBASSY WARSAW

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E.O. 11652:N/A

TAGS: ETRD, PL

SUBJECT: LITIGATION AGAINST PEZETEL RE: GOLF CARTS

REF: A) WARSAW 1773 B) STATE 72732

1. IN FURTHER RESPONSE TO REFTEL A, OUTBOARD MARINE CORPORATION (OMCO, THE PARENT COMPANY OF CUSHMAN, HAS FILED A COMPLAINT AGAINST PEZETEL, MELEX AND THE US DISTRIBUTORS OF POLISH GOLF CARTS IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF DELAWARE. THERE ARE FOUR COUNTS IN THE COMPLAINT. TWO ARE BROUGHT UNDER THE SHERMAN ACT AND ALLEGE THE DEFENDANTS HAVE CONSPIRED TO RESTRAIN TRADE AND TO ESTABLISH A MONOPOLY POSTION. THE LIMITED OFFICIAL USE

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THIRD COUNT ALLEGES THAT THE DEFENDANTS HAVE ATTEMPTED TO OPERATE "IN RESTRAINT OF LAWFUL TRADE" IN VIOLATION OF SECTION 73 OF THE WILSON TARIFF ACT. THE FOURTH COUNT ALLEGES A VIOLATION OF THE ANTIDUMPING ACT OF 1916. (ANTIDUMPING INVESTIGATIONS ARE CONDUCTED UNDER THE ANTI-DUMPING ACT OF 1921, AS AMENDED,BUT THE 1916 LEGISLATION REMAINS ON THE BOOKS AND PROVIDES FOR PRIVATE ANTIDUMPING

ACTIONS TO SEEK TREBLE DAMAGES WHEN DUMPING HAS BEEN
FOUND.) OMC ASKS FOR "DAMAGES IN AN AMOUNT EXCEEDING
12 MILLION DOLLARS, TO BE TREBLED ACCORDING TO LAW, FOR

INJURY TO THE BUSINESS AND PROPERTY, TOGETHER WITH THE
COSTS OF SUIT." COPY OF COMPLAINT HAS BEEN POUCHED FOR
POST'S INFORMATION. FYI -- SINCE THE USG IS NOT A PARTY
TO THIS LITIGATION, POST SHOULD BE CAUTIOUS IN DISCUSSING
CASE WITH POLISH OFFICIALS. END FYI.
VANCE

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NNN

Message Attributes

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Disposition Approved on Date:
Disposition Case Number: n/a
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